

## 1§267-29. Landscaping.

A. Purpose. The purpose of the landscaping regulations are to:

- (1) Enhance the physical environment of Harford County for the enjoyment and economic benefit of its citizens.
- (2) Provide guidelines which allow functional, aesthetically pleasing, and cost effective landscape design solutions.
- (3) Improve environmental quality through landscape standards that preserve and renew vegetation resources and are in accordance with the Forest and Tree Conservation Regulations in Article VI.
- (4) Preserve and protect existing vegetation by conserving native plant communities and retaining healthy vegetation when practical and possible.
- (5) Enhance community design by using landscaping to tie communities together, buffer incompatible uses, creating seasonal interest through a variety of landscaping materials, and using public and private spaces, walkway embellishments, and open spaces.
- (6) Enhance gateways into the County.

**FOH: ADD (7) PROVIDE LANDSCAPING ALONG ROADS WITHIN THE DEVELOPMENT ENVELOPE**

*We are unsure what is meant by gateways. No definition is given. Do we mean I-95, Routes 40, 7, 1, 147, 165, 146, 23, 24, 624, 165 and 623? These are our gateways. Rather than just landscape the entrances to our county, we should landscape all our roadsides. The emphasis would be on those roads within the Development Envelope where there are no natural landscapes left.*

**(78)** Avoids conflicts with utilities and intersection sight lines and provides consistency with the Maryland Roadside Tree Law.

**(89)** Provide landscaping that is consistent with the standards for crime prevention through environmental design.

B. Applicability.

(1) This Section applies to any of the following, except where exempted below.

(a) The construction or erection of any new non-residential building or structure for which a building permit or Zoning Certificate is required.

(b) Any enlargement exceeding 1,000 square feet or 10% of the total floor area, whichever is greater, of the exterior dimensions of an existing nonresidential building for which a building permit or Zoning Certificate is required.

(c) Any construction of a new parking lot or expansion of an existing parking lot by more than 10,000 square feet or 20% in area, whichever is greater.

(d) The subdivision of any property that creates 5 or more residential units.

(2) Exemptions.

(a) Buildings associated with an agricultural operation, located on property assessed agricultural, including farmhouses, barns and silos.

(b) Residential accessory structures except as required in Section §267-63.

C. General Requirements. The following shall apply to all provisions of the landscaping regulations.

(1) Type.

(a) Plant materials shall be selected from the Harford County Plant List, which is maintained by the Department of Planning and Zoning. The plant list is hereby incorporated by reference, as if set forth in its entirety herein. ~~All modifications shall be approved by the Director of Planning and Zoning.~~

*FoH: There was no Plant List included. No Plant List is in the Zoning Code. To approve this as legislation which may be modified by the Director of Planning & Zoning is not recommended until this list is provided.*

(b) For developments requiring 30 trees or greater, no more than 30% of the required new planting shall consist of 1 species type and shall be interspersed; and not more than 20% of the required new plantings shall consist of the same genus type and shall be interspersed.

(2) Condition.

(a) Plants shall be healthy, vigorous, well rooted and free of defects, decay, disease or infestations. After implementation, all required plant material shall be maintained by the property owner. All dead, dying or diseased plant material shall be replaced by the property owner.

(b) Unless other requirements of this Section are greater, all trees shall be mulched with a minimum 2 ½ foot radius planting area. **NO MULCH SHALL BE WITHIN 6 INCHES OF THE TREE TRUNK.** All shrubs shall be mulched within a ½ foot area of the plant. Mulching shall be a minimum depth of 2 inches.

*FOH: Mulching right up to the base of existing trees can be lethal. Mounding of mulch against the tree boll is not recommended. Wood mulch only lasts a few years. Groundcovers such as pachysandra or periwinkle will continue to grow.*

#### D. Protection Standards for Existing Vegetation.

(1) Existing and proposed vegetation shall be protected during construction, pursuant to the specifications stated in the Harford County Forest Cover Conservation and Replacement Manual, which is hereby incorporated by reference, as if set forth in its entirety herein.

(2) Existing vegetation shall be preserved to the maximum extent practical and possible. Preserved plants shall count on a 1:1 basis for required plants, if they meet applicable size and location requirements. Alternatives, including transplanting existing vegetation, is permissible to the extent that it complies with these landscaping regulations. Applicants may receive credit for preserving vegetation if the following requirements are met:

(a) No grade modification or root disturbance is allowed within the dripline of the trees to be maintained;

(b) The landscape plan shall identify the protection area and method of protection for retained trees. The minimum radius of protection area shall be determined by multiplying the tree diameter at breast height in inches by 1 foot or by delineation of the drip line of the tree, whichever is greater.

(3) Trees should be preserved as groups or blocks unless they have already grown and developed as individuals. Trees saved in compliance with these landscaping regulations shall be open grown with well-developed crowns. Preservation of individual trees from a community of plants shall not be permitted if these trees are unlikely to survive in the long run.

(4) Prior to landscape plan approval, the applicant shall sign a statement stating protective measures to be taken, and an agreement to replace trees, should any removal or death occur during and/or after construction. Any vegetation removed before, during or after construction shall be replaced with newly planted vegetation which meets the minimum requirements outlined in this Section.

#### E. Minimum Standards for Landscaping Design and Development.

(1) All landscaped areas shall be finished with a natural groundcover or other material, ~~approved by the Director of Planning and Zoning.~~

*FOH: Other material could mean concrete. This is too important an area to be left to the sole discretion of the Director. We would ask that a committee oversee this in conjunction with the Department to avoid potentially controversial and unwanted decisions. Perhaps the Environmental Advisory Board would be a good choice.*

(2) Building foundations, fences and walls shall be landscaped ~~in appropriate locations to provide visual relief, as determined by the Director of Planning and Zoning.~~

*FOH: We recommend landscaping for all of these areas.*

(3) Landscaping within easements for public water, sewer, or stormdrains is not permitted unless approved by the Director of Public Works.

(4) No trees shall be planted under overhead service wires if their mature height will interfere with the wires.

#### F. Minimum Plant and Ground Cover Specifications.

(1) Required new tree plantings shall conform to the following minimum standards with caliper measurements at time of planting:

(a) Large street trees shall measure a minimum of 1 ½ to 2 inch caliper;

(b) Medium street trees shall measure a minimum of 1 to 1 ½ inch caliper;

(c) Trees in the buffer yard shall be a minimum of 4 ½ to 6 feet in height.

(2) Required new streetscape shrubs shall be container grown in not less than 3 gallon containers, shall not be less than 24 inches in height at time of planting and shall not be pruned to less than 24 inches in height. Existing shade trees shall measure a caliper of 4 inches or more when measured 18 inches above ground.

(3) Shrubs shall not be less than 30 inches in height at time of planting and shall not be pruned to less than 5 feet in height.

(4) Organic ground covers shall be a minimum 1 gallon size upon installation.

(5) All plant material shall meet the minimum standards contained in the most recent edition of the Harford County Plant List, as to size, condition and appearance.

*FOH: See C (1) There was no Plant List included. No Plant List is in the Zoning Code. To approve this as legislation is not recommended until this list is provided.*

(6) Trees and shrubs shall be adequately supported when planted.

#### G. Street rights-of-way landscaping.

(1) Street rights-of-way shall be landscaped with street trees and other plantings such as shrubs, vegetative ground cover and accent plantings.

(2) All parcels located at the intersection of arterial roads, shall maintain a 50 foot by 250 foot landscape buffer with the 250 foot landscaped buffer running parallel to the higher priority roadway. Said landscape buffer shall not be encumbered by parking areas, buildings or other improvements **SUCH AS STORM WATER MANAGEMENT PONDS**. ~~The Director of Planning and Zoning shall have the authority to impose special conditions or guidelines on the development of property at arterial intersections that affect the following design elements in order to achieve the purposes of this Section:~~

- ~~\_\_\_\_\_ (a) Landscape architecture;~~
- ~~\_\_\_\_\_ (b) Building architecture;~~
- ~~\_\_\_\_\_ (c) Building orientation;~~
- ~~\_\_\_\_\_ (d) Vehicular ingress, egress, and circulation;~~
- ~~\_\_\_\_\_ (e) Walls and buffering devices; and~~
- ~~\_\_\_\_\_ (f) Building setbacks.~~

*FOH: Again we would not recommend that the Director have sole authority to change sections of the Zoning Code without oversight.*

(3) Street trees are required upon road frontages in new residential and nonresidential developments, pursuant to the following requirements:

(a) One large street tree for every 40 linear feet (measured on the centerline) of interior road or 1 medium street tree for every 30 linear feet of interior road.

(b) In general, trees shall be spaced at regular intervals, without regard to property lines, in order to present a balanced appearance. ~~In lieu of the requirements above, the Director of Planning and Zoning may authorize A~~ clustering of trees to accommodate scenic vistas, existing character, and access drives **MAY BE UTILIZED**. The number of trees shall be the same as would be necessary to accommodate an evenly spaced pattern.

*FOH: We would not recommend that the Director have sole authority to change sections of the Zoning Code without oversight.*

(4) Street trees shall be located pursuant to the following requirements:

(a) When the distance between the back of the curb and the sidewalk is 6 feet or greater, street trees shall be located within the right-of-way and centered between the curb and the sidewalk.

(b) Where the distance between the back of the curb and the sidewalk is less than 6 feet, street trees shall be planted a minimum of 3 feet from the sidewalk in the direction away from the street. A minimum 10 foot wide maintenance easement shall be provided for each tree. Such easement shall overlay private property, with a minimum of 5 feet to either side of the tree.

(c) Where no sidewalk exists on a closed section roadway, the street trees shall be located a minimum of 6 feet behind the curb. Necessary maintenance easements shall be provided, as specified in Paragraph (b) above.

(d) Where no sidewalk exists on an open section of roadway, the street trees shall be located a minimum of 6 feet beyond the edge of paving for streets classified for residential access. For all other streets, the street trees shall be located a minimum of 10 feet from the edge of the pavements and, where applicable, beyond the limits of the defined drainage swale.

(e) Street trees shall be located to minimize adverse impacts on safety and visibility requirements. Street trees shall not restrict sight lines at intersections, nor restrict the approach view of "Stop" or "Yield" signs. ~~The Director of Planning and Zoning may waive requirements for street trees if their placement would have an adverse impact on safety requirements.~~

*FOH: A sentence added which would give a clear site distance at intersections is all that is needed here. We would not recommend that the Director have sole authority to change sections of the Zoning Code without oversight. Safety requirements is a loose definition and open to wide variations of definition.*

(f) Trees are not permitted within 10 feet of water or sewer facilities. Planting of trees within 10 feet of water or sewer facilities within County or State Highway Administration road rights-of-way are prohibited.

(g) Where maintenance easements are established, a homeowners association shall be required to provide for the maintenance of the street trees.

**FOH: Additional comments to Landscaping and Bufferyards**

**The question of whether to relax landscaping and bufferyard requirements in revitalization or redevelopment areas is a knotty problem. While we understand that economic incentives are needed, we feel**

the County and State do provide enough incentives to offset rebuilding in blighted areas.

Old lot size may also cause problems in meeting the bufferyard and landscaping requirements. Again we feel there are enough economic incentives given to overcome these problems. Different footprints, merging of lots and a general rethinking of ordinary solutions to development constraints should be used.

Friends of Harford believes strongly that redevelopment or revitalization areas are those MOST in need of bufferyards and landscaping. Simply, if we want people to live and work in an area, it must look good enough to invite them to come and make them stay. The areas were blighted in part because they did not have the buffers and landscaping requirements